



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Fillmore Field Office

95 East 500 North

Fillmore, UT 84631

<http://www.blm.gov/ut/st/en/fo/fillmore.html>

DIV. OF OIL, GAS & MINING



IN REPLY REFER TO:
3600 (UTW02000)
UTU-88731
3809 (UTW02000)
UTU-79872_01

September 16, 2013

CERTIFIED MAIL # 7012 3460 0000 6633 0229
RETURN RECEIPT REQUESTED

DECISION

David Weston	:	43 CFR §3600 – Mineral Materials Management
Allroc Fine Aggregates	:	UTU-88731
218 Paxton Avenue	:	43 CFR §3809 – Plan of Operations
Salt Lake City, Utah 84101-3035	:	UTU-79872_01

Partial Release and Determination of Required Financial Guarantee Amount

Your Mineral Materials Negotiated Sale operation, assigned Bureau of Land Management (BLM) case file number UTU-88731, was inspected for reclamation on September 6, 2013. Please refer to this number for any future communication concerning this operation. The corresponding Utah Division of Oil, Gas and Mining (UDOGM) case file number for this operation is M/027/0088.

The operation was previously regulated by the BLM as a Plan of Operations under CFR §3809. The case file number for the Plan of Operations is UTU-79872_01. The operation is located in aliquot parts of section 33, Township 23 South, Range 10 West; Salt Lake Meridian. A Financial Guarantee, or reclamation bond, of \$26,200 was submitted by you and obligated for this operation, and it is recorded under BLM case file number UTU-79872_01.

The earthwork portion of the reclamation for your operation at this location was found to be complete and satisfactory. Earthwork on the surface disturbance area encompasses 4 acres. The surface disturbance areas have not yet re-vegetated. As specified in CFR §3809.591(b), a portion of your financial guarantee, 40%, will be retained to ensure that those areas acquire self-sustaining communities of mature native vegetation. Final release of the remaining financial guarantee amount will be possible when, as indicated in CFR §3809.591(c)(1), BLM determines that you have successfully completed reclamation, including revegetating the area disturbed by

operations.

Required Financial Guarantee – A financial guarantee, (UTB000131 and UTB000447) for the total amount of \$26,200, was accepted by the UDOGM. \$10,480.00, or 40% of the previous amount, must remain on file with the UDOGM and the BLM Utah State Office, 440 West 200 South – Suite 500, Salt Lake City, Utah 84101 until the re-vegetation of the surface disturbance area on the BLM-administered lands is complete.

Appeal of the Decision Determining the Required Financial Guarantee Amount - If you do not agree and are adversely affected by this decision, in accordance with 43 CFR §3809.804, you may request that the BLM Utah State Director review this decision. If you request a State Director review, the request must be received in the BLM Utah State Office, 440 West 200 South – Suite 500, Salt Lake City, Utah 84101, no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to this office. The request must be in accordance with the provisions provided in 43 CFR §3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a Stay is granted by the State Director. Standards for obtaining a Stay are given below. If you request a Stay, you have the burden of proof to demonstrate that a Stay should be granted.

If the State Director does not make a decision concerning your request for review of this decision within 21 days of BLM's receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the BLM Utah State Office to determine when BLM receives the request for State Director Review. You have 30 days from the end of the 21 day period in which to file your notice of appeal with the IBLA (see procedures below). If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the Fillmore Field Office (FFO) at 95 East 500 North, Fillmore, Utah 84631 within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 for a Stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a Stay must accompany your notice of appeal. A petition for a Stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a Stay must also be submitted to each party named in the decision, to the IBLA, and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a Stay, you have the burden of proof to demonstrate that a Stay should be granted.

Standards for Obtaining a Stay

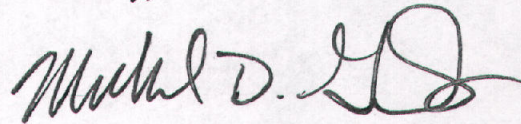
Except as otherwise provided by law or other pertinent regulation, a petition for a Stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied

2. The likelihood of the appellant's success on the merits
3. The likelihood of immediate and irreparable harm if the Stay is not granted
4. Whether the public interest favors granting the Stay

If you have any questions, please contact Duane Bays, BLM-FFO Natural Resource Specialist, at (435) 743-3115.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael D. Gates", with a stylized, looped flourish at the end.

Michael D. Gates
Field Manager

Enclosure: Form 1842-1

cc:

Paul Baker

UDOGM

1594 W North Temple, Suite 1210

Salt Lake City, UT 84114

Opie Abeyta (UT-923)

Rita Stelmach (UT-923)

Utah State Office/ BLM

440 West 200 South, Suite 500

Salt Lake City, UT 84101